

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
NOV 19 2020  
Mark C. McCant, Clerk  
U.S. DISTRICT COURT

1) NEW DOMINION, LLC,

Plaintiff,

vs.

1) H&P INVESTMENTS, LLC

Defendant.

20 CV - 592 JED - CDL

Case No. 20-cv-

JURY TRIAL DEMANDED

**NOTICE OF REMOVAL OF ACTION**

TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA; THE DISTRICT COURT OF TULSA COUNTY OF THE STATE OF OKLAHOMA; AND NEW DOMINION, LLC, PLAINTIFF:

**PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant H&P Investments, LLC ("H&P") hereby removes this matter from District Court of Tulsa County of the State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

1. The United States District Court for the Northern District of Oklahoma has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332. This action is removable pursuant to 28 U.S.C. § 1441, as it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. This action is removable to this Court, as this Court is the district embracing the place where the state court action is pending. 28 U.S.C. § 1441(a).

3. On October 21, 2020, an action was commenced in the District Court of Tulsa County of the State of Oklahoma captioned *New Dominion, LLC, v. H&P Investments, LLC*, Case No. CJ-2020-3216 ("State Court Action"). In accordance with 28 U.S.C. § 1446(a) and

Fees pd

LCvR81.2 a copy of the original State Court Petition is attached as Exhibit A, and a copy of the docket sheet and all other filings in the State Court Action are attached as Exhibit B.

4. The District Court for Tulsa County, Oklahoma is located within the United States District for the Northern District of Oklahoma. Accordingly, venue is proper in the Northern District of Oklahoma pursuant to 28 U.S.C. § 1446(a).

5. Plaintiff New Dominion, LLC (“NDL”) alleges in its Petition that it is an Oklahoma limited liability company with its principal place of business in Oklahoma. [Ex. A, Pet. ¶1]. NDL’s members are (a) the David J. Charnicky Trust dated February 7, 2005, a citizen of Oklahoma; and (b) Chernico Exploration, Inc., a citizen of Oklahoma. [See NDL Disclosure Statement Identifying Constituents of NDL, Dkt. No. 17, filed Case No. CIV-17-703-D, in the United States District Court for the Western District of Oklahoma, attached hereto as Exhibit C].

6. Defendant H&P Investments, LLC is a Delaware limited liability company with its principal place of business in Birmingham, Alabama. H&P Investments, LLC’s members are (a) W. Cobb Hazelrig, an individual and citizen of Alabama; (b) Robert L. Pike, an individual and citizen of Florida; (c) J. Keith Hazelrig, an individual and citizen of Alabama; (d) Linda Barstein, an individual and citizen of Alabama; and (e) William Shelton Pritchard, III, an individual and citizen of Alabama.

7. Accordingly, complete diversity of citizenship exists between Plaintiff and Defendant pursuant to 28 U.S.C. § 1332(a)(2).

8. In the State Court Action, Plaintiff NDL seeks a declaratory judgment regarding whether it is proper for NDL as operator of certain oil and gas and saltwater disposal wells, in which H&P participates as a working interest owner, to charge H&P certain costs and expenses under the parties’ participation and joint operating agreements. [Ex. A, Pet. at ¶¶ 6-10].

9. Specifically H&P disputes monthly costs and expenses charged by NDL for fees under the Production Revenue Standards Act (“PRSA”), earthquake legal charges, charges by NDL affiliated entities for equipment transportation and pumper and/or labor costs, saltwater disposal costs, overhead on inactive wells and incorrect severance taxes. These disputes form the basis for the declaratory judgment sought by NDL in the State Court Action. [Ex. A, Petition, ¶¶9-10].

10. In its Petition, NDL states that it is not seeking money damages and asks the court to find that NDL’s charges to H&P are valid. [Ex. A, Pet., ¶13 & Prayer for Relief]. According, to H&P’s accounting records, NDL has over charged H&P an amount exceeding \$75,000.00, exclusive of interest and costs. For example, the PRSA fees which NDL improperly charged H&P, for 2019 alone, exceed \$75,000.00, exclusive of interest and costs. Thus, the amount in controversy is in excess of the amount required for diversity jurisdiction, pursuant to 28 U.S.C. § 1332.

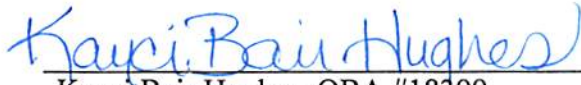
11. NDL served its Petition upon H&P on October 30, 2020. Therefore this Notice of Removal of Action is filed within thirty days of H&P’s receipt of the initial pleading in accordance with 28 U.S.C. §1446(b).

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Action is being served on all parties to the action, and filed with the Clerk of the District Court of Tulsa County of the State of Oklahoma.

WHEREFORE, Defendant H&P Investments, LLC hereby gives notice that the above-referenced action pending against it in the District Court of Tulsa County of the State of Oklahoma, has been removed to this Court.

November 19, 2020

Respectfully Submitted,



---

Kayci Bair Hughes, OBA #18399  
CROWE & DUNLEVY  
A Professional Corporation  
500 Kennedy Building  
321 South Boston Avenue  
Tulsa, Oklahoma 74103  
(918) 592-9800  
(918) 592-9801 (Facsimile)  
[kayci.hughes@crowedunlevy.com](mailto:kayci.hughes@crowedunlevy.com)

-and-


L. Mark Walker, OBA #10508  
Micah Adkison, OBA # 33107  
CROWE & DUNLEVY  
A Professional Corporation  
Braniff Building  
324 N. Robinson Ave., Suite 100  
Oklahoma City, Oklahoma 73102  
(405) 235-7700  
(405) 239-6651 (Facsimile)  
[mark.walker@crowedunlevy.com](mailto:mark.walker@crowedunlevy.com)  
[micah.adkison@crowedunlevy.com](mailto:micah.adkison@crowedunlevy.com)  
*Attorneys for Defendant H&P Investments, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of November, 2020, a copy of this Notice of Removal was filed in the United States District court for the Northern District of Oklahoma and that a true and correct copy of said Notice of Removal was served by mailing, postage prepaid, to the following attorneys of record:

Stephen Q. Peters  
BAUM GLASS JAYNE CARWILE &  
PETERS  
Mid-Continent Tower  
401 S. Boston Avenue, Suite 2000  
Tulsa, Oklahoma 74103  
[SPeters@bcjclaw.com](mailto:SPeters@bcjclaw.com)  
*Attorney for Plaintiff New Dominion, LLC*

and further that a copy of said Notice of Removal was delivered to the Tulsa County Court Clerk for filing, on the 19th day of November, 2020.

  
\_\_\_\_\_  
Kayci Bair Hughes



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

NEW DOMINION, LLC,

Plaintiff,

v.

H&P INVESTMENTS, LLC,

Defendant.

**CJ-2020-03216**  
Caroline Wall

Case No.

DISTRICT COURT  
**FILED**

OCT 21 2020

DON NEWBERRY, Court Clerk  
STATE OF OKLA TULSA COUNTY

**PETITION**

Plaintiff, New Dominion, LLC, ("NDL"), for its Petition against Defendant H&P Investments, LLC ("H&P"), states the following:

**PARTIES, JURISDICTION AND VENUE**

1. NDL is an Oklahoma limited liability company with its principal place of business in Tulsa, Oklahoma.
2. H&P is a Delaware limited liability company with its principal place of business in Birmingham, Alabama.
3. This Court has jurisdiction over the parties and subject matter of this action.
4. The agreements in dispute all have provisions that venue and jurisdiction shall be in Tulsa County, Oklahoma or the Northern District of Oklahoma.
5. Venue and jurisdiction are proper in Tulsa County, State of Oklahoma.

**FACTS**

6. NDL and H&P are parties or successors in interest to parties to various agreements including inter alia.
  - a. Golden Loan Participation Agreement;
  - b. The Paden Project Participation Agreement;

DON NEWBERRY COURT CLERK  
2020 OCT 21 P 4:10

- c. Boomtown Participation Agreement;
- d. Amended and Restated Eight East Project Participation Agreement; and
- e. Joint Operating Agreement dated August 12, 2011.

7. Each of these agreements cover the drilling and operation of oil and gas and saltwater disposal wells in certain defined geographic areas. NDL is designated the operator of all the wells and H&P is a non-operating working interest owner in the wells subject to the agreements.

8. As operator, NDL bills H&P monthly for expenses incurred for operation of the wells.

9. H&P now disputes, in writing, certain charges made by NDL to wells, which charges are expressly allowed by the agreements or Oklahoma statute.

10. H&P's written notice of disputes creates a justiciable and actual controversy between the parties that should be resolved by the District Court herein.

**CLAIM FOR RELIEF  
(Declaratory Judgment)**

11. NDL incorporates and adopts paragraph 1 through 10 above and further alleges and states as follows:

12. The acts and conduct of H&P has created an actual and justiciable controversy and NDL requests that this Court determine the rights, status, and legal relations between the parties herein, and determine the construction and validity of the agreements between the parties herein, and determine the construction and validity of Oklahoma statutes regarding certain charges to H&P's joint account.

13. Plaintiff is not seeking money damages and, in any event, Plaintiff avers that any amount in controversy is less than \$75,000.00.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court grant Plaintiff declaratory relief finding that NDL's construction of the agreements is valid, that NDL's statutory charges to H&P are valid, together with an award of NDL's costs and attorney fees incurred herein, and for such other relief as this Court finds just and proper.

Respectfully submitted,



Stephen Q. Peters, OBA #11469  
BAUM GLASS JAYNE CARWILE & PETERS  
Mid-Continent Tower  
401 S. Boston Avenue, Suite 2000  
Tulsa, Oklahoma 74103  
Telephone: (918) 938-7944  
Facsimile: (918) 938-7966  
Email: [SPeters@bcjclaw.com](mailto:SPeters@bcjclaw.com)  
*Attorney for Plaintiff, New Dominion, LLC*





**OKLAHOMA**  
State Courts Network

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA**

**NEW DOMINION LLC,**  
Plaintiff,

v.

**H&P INVESTMENTS LLC,**  
Defendant.

**No. CJ-2020-3216**

**(Civil relief more than \$10,000: DECLARATORY JUDGMENT)**

**Filed: 10/21/2020**

**Judge: Civil Docket G**

**PARTIES**

**H&P INVESTMENTS LLC, Defendant**  
**NEW DOMINION LLC, Plaintiff**

**ATTORNEYS**

**Attorney**

**PETERS, STEPHEN Q (Bar #11469)**  
**401 S BOSTON AVE, STE 2000**  
**BAUM GLASS JAYNE & CARWILE**  
**TULSA, OK 74103**

**Represented Parties**

**NEW DOMINION LLC,**

**EVENTS**

None

**ISSUES**

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

## OSCN Case Details

Page 2 of 5

**Issue # 1.**      **Issue:** DECLARATORY JUDGMENT (DECLARE)  
**Filed By:** NEW DOMINION LLC  
**Filed Date:** 10/21/2020

**Party Name**                      **Disposition Information**  
**Defendant:**  
H&P INVESTMENTS LLC

**DOCKET**

<b>Date</b>	<b>Code</b>	<b>Description</b>	<b>Count</b>	<b>Party</b>	<b>Amount</b>
10-21-2020	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.	1		
10-21-2020	DECLARE	DECLARATORY JUDGMENT			
10-21-2020	DMFE	DISPUTE MEDIATION FEE			\$ 7.00
10-21-2020	PFE1	PETITION Document Available (#1047996480)  TIFF  PDF			\$ 163.00
10-21-2020	PFE7	LAW LIBRARY FEE			\$ 6.00
10-21-2020	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
10-21-2020	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 1.55
10-21-2020	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
10-21-2020	SSFCHSCPC	SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 10.00
10-21-2020	CCADMINCSF	COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.00
10-21-2020	CCADMIN0155	COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION			\$ 0.16
10-21-2020	SJFIS	STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES			\$ 0.45



## OSCN Case Details

Page 3 of 5

Date	Code	Description	Count	Party	Amount
10-21-2020	DCADMIN155	DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS			\$ 0.23
10-21-2020	DCADMIN05	DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS			\$ 0.75
10-21-2020	DCADMINCSF	DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.50
10-21-2020	CCRMPF	COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE			\$ 10.00
10-21-2020	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
10-21-2020	LTF	LENGTHY TRIAL FUND			\$ 10.00
10-21-2020	SMF	SUMMONS FEE (CLERKS FEE)			\$ 10.00
10-21-2020	SMIMA	SUMMONS ISSUED - MAILED BY ATTORNEY			
10-21-2020	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CIVIL DOCKET G TO THIS CASE.			

## OSCN Case Details

Page 4 of 5

Date	Code	Description	Count	Party	Amount
10-21-2020	ACCOUNT	RECEIPT # 2020-4149232 ON 10/21/2020. PAYOR: BAUM GLASS JAYNE & CARWILE TOTAL AMOUNT PAID: \$ 252.14. LINE ITEMS: CJ-2020-3216: \$173.00 ON AC01 CLERK FEES. CJ-2020-3216: \$6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2020-3216: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2020-3216: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2020-3216: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2020-3216: \$7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2020-3216: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2020-3216: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2020-3216: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2020-3216: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2020-3216: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY. CJ-2020-3216: \$10.00 ON AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE.			
11-05-2020	S	PARTY HAS BEEN SUCCESSFULLY SERVED. H&P INVESTMENTS LLC /10- 30-20 Document Available (#1048143063)  TIFF  PDF		H&P INVESTMENTS LLC	

**OSCN Case Details**

**Page 5 of 5**



IN THE DISTRICT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

NEW DOMINION, LLC,  
an Oklahoma Limited Liability Company,

Plaintiff,

vs.

H&P INVESTMENTS, LLC,

Defendant.

**CJ-2020-03216**

Caroline Wall

Case No.

DISTRICT COURT  
**FILED**

NOV - 5 2020

SUMMONS

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

To the Above-Named Defendant:

H&P Investments, LLC  
3535 Grandview Parkway, Suite 315  
Birmingham, Alabama 35243

You have been sued by the above-named Plaintiff, and you are required to file a written Answer to the attached PETITION in the Court in the above County and at the above address within twenty (20) days after service of this Summons upon you, exclusive of the date of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for Plaintiff. Unless you respond to the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 21 day of October, 2020.  
(Seal)

Don Newberry, Tulsa County Court Clerk

by [Signature], Deputy Court Clerk

- ☐ Certified Mail
- ☐ Sheriff \_\_\_\_\_ County
- ☐ Special Process Server

Attorney(s) for Plaintiff(s):  
Stephen Q. Peters, OBA #11469  
BAUM GLASS JAYNE CARWILE & PETERS  
401 S. Boston Avenue, Suite 2000  
Tulsa, Oklahoma 74103  
Telephone: (918) 938-7944

Appointed to serve. PSL# \_\_\_\_\_

This summons was served on 10/30/20.

Backup Boon

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: <u>Chip Hazelrig</u>  <u>H + P Investments, LLC</u>  <u>3535 Grandview Parkway</u>  <u>Suite 315</u>  <u>Birmingham, AL 35243</u></p> <p>            9590 9402 5291 9154 7423 26</p> <p>2. Article Number (Transfer from service label)  <u>7019 0700 0001 0239 7244</u></p>		<p>A. Signature  <u>X</u> <u>Chip</u> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <u>DD 101906</u></p> <p>C. Date of Delivery  <u>11/13/20</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt





Case 5:17-cv-00703-F Document 17 Filed 07/13/17 Page 2 of 2

**Member**

David J. Chernicky Trust dated  
February 7, 2005

**State**

Oklahoma

Chernico Exploration, Inc.

Oklahoma

Respectfully submitted,

/s/ Robert G. Gum

Robert G. Gum, OBA No. 3659

April B. Coffin, OBA No. 31965

GUM, PUCKETT & MACKECHNIE, L.L.P.

105 North Hudson, Suite 900

Oklahoma City, Oklahoma 73102

Telephone: (405) 488-1212

Facsimile: (405) 488-1216

[rggum@gpmlegal.net](mailto:rggum@gpmlegal.net)

[abcoffin@gpmlegal.net](mailto:abcoffin@gpmlegal.net)

*Attorneys for Defendant New Dominion, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM-ECF system on July 13, 2017.

/s/ Robert G. Gum

Robert G. Gum